

- Apparatus -

Claim 4, line 1, cancel "1" and substitute - 9 -

Claim 5, line 1, cancel "A backframe" and substitute

- Apparatus -

Claim 5, line 1, cancel "1" and substitute - 9 -

Claim 6, line 1, cancel "A backframe" and substitute

- Apparatus -

Claim 7, line 1, cancel "A backframe" and substitute

- Apparatus -

Claim 7, line 1, cancel "1" and substitute - 9 -

Claim 8 (Amended). A [backframe for a] self contained breathing apparatus, said breathing apparatus including an air tank for supplying air to a user[,] and control components for controlling and monitoring air from said air tank, said [backframe] *shell formed of a* apparatus comprising a front wall shaped to conform to [the back of] a user's back, a ~~generally flat~~ rear wall substantially coextensive with said front wall and spaced rearwardly of said front wall, said rear wall comprising a rear side remote from said front wall, said rear wall being shaped to receive said air tank on ~~the back side~~ *which is defined as extension of the shell,* [the] said rear side thereof, side walls extending between said front wall and said rear wall for enclosing the space between said front and rear walls, *housed* and said control components being within said space between said front and rear walls.

Add the following claim:

9. A combination backframe and self contained breathing

apparatus comprising an air tank, said air tank comprising a flow of air, control components for controlling said flow of air from said air tank, said backframe comprising a shell including a rear wall having a front side and a rear side, side walls fixed to said rear wall and extending forwardly of said rear wall, a closure plate receivable by said side walls for enclosing said shell to provide a watertight enclosure between said front side of said rear wall and said closure plate, said control components of said apparatus being contained within said watertight enclosure, said closure plate being shaped to conform to a curvature of a back of a user of the apparatus, and said air tank being disposed on the exterior of said shell adjacent said rear side.

REMARKS

By this amendment, claim 1 is cancelled, claim 8 is amended and claim 9 is added so as more clearly to define applicants' invention in view of the art cited by the examiner and to overcome the examiner's objections to the claims under 35 U.S.C. 112. Dependent claims 2-7 are amended so as to conform them to the subject matter claimed in independent claim 9. Finally, the dependencies of certain dependent claims are changed to claim 9 in view of the cancellation of claim 1. Reconsideration of applicants' invention as defined in claims 2-9 is requested.

By the office action of June 9, 1999, the examiner rejected the claims under 35 U.S.C. 103(a) as being unpatentable over Berndt in view of Warncke et al. Berndt discloses an enclosed